

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID C. STEPHENSON, et al,

Defendants.

Case No. CR05-5158 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion for Release Pending Appeal [Dkt. #279].

Having considered the entirety of the records and file herein, the Court rules as follows:

Defendant was convicted by a jury of one count of conspiracy to defraud the IRS and three counts of failure to file tax returns and was sentenced on May 18, 2006 to eight years in custody. He has appealed the judgment and sentence. He now seeks release pending appeal pursuant to 18 U.S.C. § 3143(b). Under 18 U.S.C. § 3143 the defendant bears the burden of showing "by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community . . . and . . . raises a substantial question of law or fact likely to result in [] reversal, [or] an order for a new trial" [emphasis added].

The defendant has not met his burden to show that his appeal raises a "substantial question." He continues to make the same frivolous arguments regarding jurisdiction that this Court and all other Courts who

1 have considered the issue have summarily rejected. It is therefore

2 **ORDERED** that Defendant's Motion for Release Pending Appeal [Dkt. #279] is **DENIED**.

3 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
4 pro se.

5 Dated this 14th day of July, 2006.

6
7 
8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28